

Attorney Docket No.: **BERN0073US.NP**
Inventors: **Eric F. Bernstein**
Serial No.: **10/541,348**
Filing Date: **September 26, 2005**
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REMARKS

Claim 1 is pending in the instant application. Claim 1 has been rejected. Claim 1 has been amended. No new matter is added. Reconsideration is respectfully requested in light of these amendments and the following remarks.

I. Objection to Claim 1

Claim 1 has been objected as being inconsistent in reference to use of the term "a" denoting singular followed by "compounds" denoting plural. Thus, in an earnest effort to advance the prosecution of this case and in accordance with the Examiner's suggestion, Applicant has amended the claim to state --compound--.

Withdrawal of this objection is respectfully requested.

II. Rejections of Claim 1 under 35 U.S.C. 102(b) and 35 U.S.C. 102(e)

The rejection of claim 1 under 35 U.S.C. 102(b) as being anticipated by Zigler et al. (WO 97/26879) has been maintained.

The rejection of claim 1 under 35 U.S.C. 102(e) as being anticipated by Matier et al. (U.S. Patent Pub. 2004/0002461 has also been maintained.

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Arguments presented in the March 13, 2009 response regarding these references not teaching a method for treating glaucoma were deemed unpersuasive because the claim as written included administering to a patient suffering from ocular disease.

Accordingly, in an earnest effort to advance the prosecution of this case, Applicants have amended claim 1 to clarify that the compound is administered to a patient suffering from glaucoma.

As neither reference teaches administering a compound to a patient suffering from glaucoma, they cannot anticipate the claims as amended.

Withdrawal of these rejections under 35 U.S.C. 102(b) and 102(e) is therefore respectfully requested.

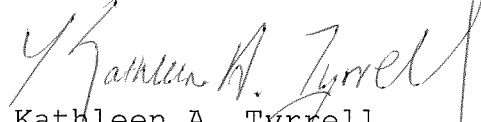
III. Conclusion

Applicant believes that the foregoing comprises a full and complete response to the Office Action of record.

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Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,


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